

FORM PTO-1390
(F EV. 2-2005)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
6750-147-999 (305158-999145)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37CFR 1.5)

10/554157

INTERNATIONAL APPLICATION NO.
004/12776

INTERNATIONAL FILING DATE
April 21, 2004

PRIORITY DATE CLAIMED
April 21, 2003

INVENTION

**WAMPER RESISTANT DOSAGE FORM COMPRISING CO-EXTRUDED, SEQUESTERED ADVERSE AGENT PARTICLES
AND PROCESS OF MAKING SAME**

APPLICANT(S) FOR DO/EO/US

Benjamin OSHLACK and Hua-Pin HUANG

Applicant herewith submits to the United States Designated/ Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US) but a courtesy copy is submitted herewith.
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Courtesy copy of International Preliminary Report on Patentability of IPEA/US;
Courtesy copy of Written Opinion of ISA/US

US APPLICATION NO. 10/554157		INTERNATIONAL APPLICATION NO. PCT/US2004/12776		ATTORNEY'S DOCKET NUMBER 6750-147-999	
21. The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee \$300.00					
<input checked="" type="checkbox"/> b) Examination fee Was the Written Opinion or International Preliminary Examination Report (1) prepared by the ISA/US and (2) do all claims satisfy provisions of PCT Article 33(1)-(4) (i.e., novelty, inventive step and industrial capability)?					
<input checked="" type="checkbox"/> i) Yes (\$0.00) \$0					
<input type="checkbox"/> ii) No (\$200.00)					
<input checked="" type="checkbox"/> c) Search fee If Written Opinion or International Preliminary Examination Report prepared by the ISA/US and all claims satisfy provisions of PCT Article 33(1)-(4)....					
<input checked="" type="checkbox"/> i) Yes (\$0.00) \$0					
ii) If no:					
<input type="checkbox"/> (a) An International Search Report will be provided to the USPTO on or before payment of the search fee. (\$400.00)					
<input type="checkbox"/> (b) No International Search Report will be provided to the USPTO. (\$500.00)					
TOTAL OF CALCULATIONS =				\$	\$300.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing of computer programs listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number).	RATE		
41 - 100	0 /50		x 250.00		\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	\$0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE X		
Total Claims	47 - 20	27	x \$50.00		\$1350.00
Independent Claims	7 - 3	4	x \$200.00	=	\$800.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 360.00		\$0.00
TOTAL OF ABOVE CALCULATIONS=				= \$	\$2450.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%				- \$	\$0.00
SUBTOTAL =				\$	\$2450.00
Surcharge of \$130.00 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$0.00
TOTAL NATIONAL FEE				= \$	\$2450.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 0 x \$40.00 per property				\$	\$0.00
TOTAL FEES ENCLOSED				= \$	\$2450.00
				Amount to be refunded:	
				Charged:	
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> This is an estimate of the fees due. Please charge Deposit Account No. 50-3013 to cover the required fees. A copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3013. A copy of this sheet is enclosed.					
Note: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
22. <input type="checkbox"/> Other instructions					
23. <input checked="" type="checkbox"/> All correspondence for this application should be mailed to JONES DAY 20583					
24. <input checked="" type="checkbox"/> All telephone inquiries should be made to 212-326-3939.					
James G. Markey		George A. Senol 42, 0740		October 20, 2005	
NAME		SIGNATURE		DATE	
		REG. NO. 31,636			

10/554157

JC09 Rec'd PCT/PTO 20 OCT 2005

Express Mail No: EV 654 850 775 US

Please type a plus sign (+) inside this box → ☐

PTO/SB/121 (10-00)
 Approved for use through 10/31/2002. OMB 0651-0035
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 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Please recognize the following address as the correspondence address:

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 Type Customer Number here

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☐ Request for Customer Number (PTO/SB/125) submitted herewith.

In the following listed application(s) or patent(s):

Patent Number (if appropriate)	Application Number	Patent Date (if appropriate)	U.S. Filing Date
	To be assigned (National Phase filing in U.S. for PCT/US2004/ 12776)		Oct. 20, 2005

Typed or Printed Name	James G. Markey	(check one) <input type="checkbox"/> Applicant or Patentee <input type="checkbox"/> Assignee of record of the entire interest. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> Attorney or Agent of record 31,636 (Reg. No.)
Signature	<i>James G. Markey by George A. Smith 42,140</i>	
Date	October 20, 2005	
Address of signer:	JONES DAY 222 E. 41st St., NY, NY 10017	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CN, Washington, DC 20231.